

Message Text

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ACTION EA-09

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C O N F I D E N T I A L TOKYO 2966

E.O. 11652: GDS

TAGS: PINT, PFOR, CASC, JA

SUBJECT: LOCKHEED -- DIET REQUEST FOR APPEARANCE OF AMERICAN
CITIZENS

1. FOR POSSIBLE BACKGROUND INTEREST OF DEPARTMENT, FONOFF
FEBRUARY 27 EXPLAINED TO US BACKGROUND THINKING RELATING
TO NOTES VERBALE REPORTEDLY SUBMITTED TO DEPARTMENT CON-
CERNING JAPANESE DIET DESIRE FOR APPEARANCE BEFORE
BUDGET COMMITTEE OF THREE U.S. CITIZENS, KOTCHIAN, ONI
AND KATAYAMA. FONOFF (FIRST NORTH AMERICAN DIVDIR FUJII)
EXPLAINED THAT NOTE RELATING TO ONI, WHO IS NOW PRESENT
IN JAPAN, ASKED USG CONCURRENCE IN REQUEST FOR ONI'S
APPEARANCE BEFORE DIET COMMITTEE. FUJII NOTED THAT IT
WAS EXPLAINED ORALLY THAT GOJ DOES NOT CONSIDER IT LEGALLY
NECESSARY TO ASK USG CONCURRENCE IN CASE OF THIS KIND,
BUT NOTE ADHERED TO FORM OF DIET REQUEST, WHICH ASKED
THAT ONI'S APPEARANCE BE REQUESTED QTE WITH CONCURRENCE
OF USG UNQTE.

2. FUJII WENT ON TO COMMENT THAT THE GENERALLY ACCEPTED
INTERPRETATION OF THE LAW GOVERNING THE SUMMONING OF
WITNESSES TO TESTIFY BEFORE THE DIET IS THAT FOREIGN
NATIONALS RESIDENT OR OTHERWISE PRESENT IN JAPAN ARE
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FULLY SUBJECT TO THE LAW, JUST AS JAPANESE NATIONALS

ARE. HE OBSERVED, HOWEVER, THAT THERE IS NO KNOWN CASE IN WHICH THE DIET HAS SUMMONED A FOREIGNER. IN THE CASE OF THE U.S. CONGRESS, ON THE OTHER HAND, HE NOTED THAT DOCTOR TSURU SHIGETO WAS REQUIRED TO TESTIFY BEFORE CONGRESSIONAL COMMITTEE IN 1955, AN EVENT WHICH AT THE TIME SPARKED INTENSIVE DEBATE IN JAPAN. IN FACT, FUJII RECALLED, THE DIET AT THAT TIME REQUIRED THE GOJ TO INFORM THE USG THAT IT SHOULD HAVE INFORMED OR CONSULTED WITH GOJ IN ADVANCE OF SUMMONING TSURU.

3. FUJII SAID THE SECOND NOTE VERBALE ON KOTCHIAN AND KATAYAMA ASKED FOR USG CONSENT FOR GOJ REQUEST TO THESE TWO U.S. CITIZENS TO APPEAR BEFORE THE BUDGET COMMITTEE IF THEY ARE INDIVIDUALLY WILLING TO DO SO. IN THE UNDERSTANDING OF THE DIET, THE DIET OF COURSE HAS NO POWER TO REQUIRE THEIR ATTENDANCE, AND IT IS NOT EXPECTED THAT THEY WILL ATTEND THE HEARINGS IN JAPAN UNLESS THE POSITIVE RESPONSE OF THE USG AND THE EXPRESSED WILLINGNESS OF THE TWO MEN IS RECEIVED. WHEN ASKED WHETHER THE GOJ WOULD ATTEMPT TO SERVE SUMMONSES ON KOTCHIAN AND KATAYAMA, FUJII SAID THEY OF COURSE WOULD NOT BE ABLE TO DO THAT IN THE U.S. -- THE TWO WOULD BE HANDED SUMMONSES AFTER THEIR ARRIVAL IN JAPAN.
HODGSON

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